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CAI_ShiZhong.rem

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FILED
DISTRICT COURT OF GUAM
JAN 05 2006 *mlm*
MARY L.M. MORAN
CLERK OF COURT

Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO. 98-00197
)	
Plaintiff,)	
)	
vs.)	PETITION TO REMIT SPECIAL
)	ASSESSMENT FEE AND FINE
SHI ZHONG CAI,)	[18 U.S.C. § 3573]
)	
Defendant.)	

COMES NOW the United States of America, by and through its undersigned counsel, and respectfully petitions this Court pursuant to 18 U.S.C. § 3573 for the entry of an order remitting the unpaid special assessment fee and fine earlier imposed upon Defendant SHI ZHONG CAI and in support hereof, states as follows:

1. On January 7, 1999, sentence was imposed by this Court against Defendant SHI ZHONG CAI. Among other things, a \$100.00 special assessment fee and a \$3,000.00 were ordered. Interest continues to accrue on the fine at the legal interest rate of 4.545 percent. The total amount now owed by said Defendant as of December 30, 2005 is \$3,994.74.

2. Upon information received from the Immigration and Customs Enforcement Deportable Alien Control System (ICE/DACS), the defendant, SHI ZHONG CAI, was deported to China on July 19, 2002. See Exhibit "A."

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1 3. Section 3573 of Title 18, United States Code, as amended, provides in pertinent
2 part as follows:

3 Upon petition by the Government showing that reasonable efforts to
4 collect a fine or assessment are not likely to be effective, the court may, in the
5 interest of justice --

6 (1) remit all or part of the unpaid portion of the fine or special assessment,
7 including interest and penalties

8 4. The United States Attorney has determined that in light of Defendant's
9 deportation, there is no reasonable likelihood that expending further efforts to collect the special
10 assessment fee and fine will produce any revenue to the United States. To the contrary, any
11 further efforts will needlessly expend resources that could be better directed to areas with greater
12 potential for recovery.


13 5. The interests of justice mitigate in favor of remission of the unpaid special
14 assessment fee and fine.

15 WHEREFORE, the United States of America respectfully requests that this Court enter
16 an order remitting the unpaid special assessment fee and fine imposed upon Defendant.

17 DATED this 5th day of January, 2006.

18 LEONARDO M. RAPADAS
19 United States Attorney
20 Districts of Guam and NMI

21 By:

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23 MARIVIC P. DAVID
24 Assistant U.S. Attorney
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A-NUM : 075252626

LAST-NAME : CAI

NATLTY: CHINA

FIRST-NAME: SHI ZHONG

DATE-DOCKET-CLEARED: 07/21/2002

DEPART-CLEARED-STAT: 6

TRANSFER-TO-DCO:

DATE-DOCKET-TRANSFER:

DATE-DEPARTED: 07/19/2002

PORT-DEPARTED: AGA

DEPART-COUNTRY: CHINA

FINAL-CHARGE: RI6E

EXPENSE-CODE: 1

HIT PF4 TO RETURN TO CASE SELECT SCREEN OR ENTER FOR NEXT SCREEN

